

REMARKS

The following remarks are prepared in response to the Office Action of December 1, 2004. Claims 2-28 remain pending in this application, after entry of this amendment. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

Objection to the Title

The title was objected to as being not descriptive.

Applicant has amended the title to be more descriptive of the invention to which the claims are directed. Applicant respectfully requests that the objection to the title be withdrawn.

Objections to the Specification

The specification was objected to because of minor informalities.

Applicant has amended the specification to overcome the Examiner's objections. Applicant respectfully requests that the objections to the specification be withdrawn.

Objection to Claim 18

Claim 18 was objected to because of a minor informality.

Applicant has amended claim 18 according to the Examiner's suggestion. Applicant respectfully requests that the objection to claim 18 be withdrawn.

Rejections of Claims 2, 16, 26 and 27 Under 35 U.S.C. §112, Second Paragraph

Claims 2, 16, 26 and 27 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant has amended claims 2, 16, 26 and 27 to clarify the features of the invention. For example, claim 2 now recites "a guide display means for displaying a guide image before

obtaining the object image, and for layering the guide image over the object image after obtaining the object image, the guide image being displayed at a fixed position on a display and showing an outline of the body part in proper position.” Applicant respectfully requests that the rejections of claims 2, 16, 26 and 27 under 35 U.S.C. §112, second paragraph, be withdrawn.

Rejection of Claim 18 Under 35 U.S.C. §112, First Paragraph

Claim 18 was rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. In particular, the Examiner contends that the claimed image obtaining means cannot be viewed as an optical image obtaining means (e.g., a camera, or the like). Applicant respectfully disagrees.

Claim 18 recites a portable card comprising “an image data obtaining means for obtaining image data, without physical contact, describing a body part.” The specification provides support for and enables this claim limitation. For example, on page 10, lines 20-25, the specification states that “ID card 110b, shown in FIG. 4B, also includes internal non-volatile IC memory (flash memory), with an exposed electrode on its surface. The owner’s characteristic data is stored in this IC memory. This characteristic data is used, for example, to verify identity at an ATM 70, to confirm that the user and the owner of the ID card 110b are the same person.” Hence, in one embodiment, the “exposed electrode” on the surface of the ID card 110b is the image data obtaining means for obtaining image data. Furthermore, FIGS. 12, 13 and 14 illustrate lens windows 51, 61 and 71, respectively, that can be part of the ID card 110b and can be used as the image data obtaining means. Therefore, Applicant submits that claim 18 is enabled based on the description and figures provided in the specification.

Rejections of Claims 2, 16, 26 and 27 Under 35 U.S.C. §103(a)

Claims 2, 16, 26 and 27 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Flom et al.* (U.S. Patent No. 4,641,349, hereinafter *Flom*) in view of *Holliman et al.* (U.S. Patent No. 6,075,557, hereinafter *Holliman*).

The rejections of claims 2, 16, 26 and 27 should be withdrawn as *Flom* in view of *Holliman* fail to teach or suggest all the recitations of these claims and therefore do not render obvious claims 2, 16, 26 and 27.

Focusing now on the specific recitations of claims 2, 16, 26 and 27 and the inadequacies of *Flom* in view of *Holliman*, claims 2, 16, 26 and 27 have been amended to recite “a guide display means for displaying a guide image before obtaining the object image, and for layering the guide image over the object image after obtaining the object image, the guide image being displayed at a fixed position on a display and showing an outline of the body part in proper position.” First, a guide image (e.g., an outline of an iris or a fingerprint) is shown on a display. For example, outline data for a body part (e.g., an iris or a fingerprint) is read from a reference and the outline is displayed as a red line drawing (guide image) (see page 18, lines 22-27). Second, an object image of a body part, such as an iris or a fingerprint, of a person is obtained without physical contact. Third, a position and a distance of the body part is adjusted, without touching the display, so that the object image obtained matches the guide image, and the object image is input when the guide image and the object image match (e.g., by a capture instruction). The guide image is displayed for guiding the person being tested so that the object image is in the proper position in terms of the guide image. Hence, the object image is correctly and efficiently input.

Flom discloses a technique for judging if a position of an obtained iris image matches a pupil (similar to the scanning means as recited in the claims) provided at a predetermined position, altering the pupil if the iris does not match, and re-obtaining the iris image (see FIG. 4 and related description in *Flom*). In *Flom*, the eye is first illuminated until the pupil reaches a predetermined size, at which an image of the iris and the pupil is obtained. Hence, the pupil is not displayed at a fixed position. Furthermore, *Flom* displays an image of the captured object (i.e., iris 30) (see FIG. 9) not a guide image as recited by the claims. Thus, *Flom* never uses a guide image. Hence, *Flom* does not teach or suggest a guide display means for displaying a guide image, at a fixed position on a display, before obtaining the object image without physical contact.

Furthermore, combining *Holliman* with *Flom* does not teach or suggest the recitations of amended claims 2, 16, 26 and 27. In *Holliman*, a part of an image is clipped as a template, the template is laid over an entire image from a corner of the image, and then a position of the template is set where the template and the image match best. Specifically, a rectangular template, as shown in FIG. 19, is used to judge a matching degree of a part around nose and eyes of a human face. However, *Holliman* does not teach or suggest a guide display means for displaying an outline reference of an eye or a finger, and then moving a body part so that its image matches the outline reference. Hence, *Holliman* does not teach or suggest a guide display means for displaying a guide image, at a fixed position on a display, before obtaining the object image without physical contact. The deficiency of *Flom* is not cured by *Holliman*. Therefore, neither *Flom* nor *Holliman*, solely or in combination, teach or suggest “a guide display means for displaying a guide image before obtaining the object image, and for layering the guide image over the object image after obtaining the object image, the guide image being displayed at a

fixed position on a display and showing an outline of the body part in proper position.” For at least the reasons discussed above, Applicant submits that claims 2, 16, 26 and 27 are patentably distinct over the combination of *Flom* and *Holliman* and the rejections under 35 U.S.C. §103(a) should be withdrawn.

Rejections of Claims 3-15, 17, 19-25 and 28 Under 35 U.S.C. §103(a)

Claims 3-15 and 19-25, 17 and 28 depend from independent claims 2, 16 and 27, respectively, adding structural features that more particularly define the invention and further distinguish over the cited references and the prior art of record. For these reasons, and for the reasons set forth above for claims 2, 16 and 27, the rejections of these dependent claims under 35 U.S.C. §103(a) are improper and should be withdrawn.

Rejection of Claim 18 Under 35 U.S.C. §103(a)

Claim 18 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Lane* (U.S. Patent No. 5,623,552, hereinafter *Lane*) in view of *Itsumi et al.* (U.S. Patent No. 5,559,504, hereinafter *Itsumi*).

The rejection of claim 18 should be withdrawn as *Lane* in view of *Itsumi* fail to teach or suggest all the recitations of this claim and therefore does not render obvious claim 18.

Focusing now on the specific recitations of claim 18 and the inadequacies of *Lane* in view of *Itsumi*, claim 18 has been amended to recite “an image data obtaining means for obtaining image data, without physical contact, describing a body part wherein the image data obtaining means includes a guide showing an outline of the body part before obtaining the object image.”

Lane discloses that a finger 115 is pressed against the surface of the fingerprint sensor 102, which directly measures the contours of the fingerprint by sensing the dielectric properties

of the skin, as shown in FIG. 4 (see col. 6, lines 53-56). Moreover, the fingerprint sensor surface is composed of an array of small ridge detectors 140 that can determine whether the skin surface directly over the detector is a ridge or a valley (see col. 6, lines 61-64). Thus, *Lane* requires the body part to directly contact the sensor surface. Hence, *Lane* does not teach or suggest “an image data obtaining means for obtaining image data, without physical contact, describing a body part wherein the image data obtaining means includes a guide showing an outline of the body part before obtaining the object image.”

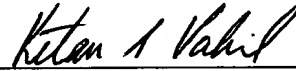
Similarly, combining *Lane* with *Itsumi* does not teach or suggest the recitations of amended claim 18 because *Itsumi* also requires a finger to have physical contact with a sensor. *Itsumi* discloses a fingerprint input unit 10 such that a finger 1 to be subjected to fingerprint detection is pressed against the linear contact electrode 2 (see col. 6, lines 12-24 and FIGS. 2A, 2B and 5). Thus, the finger must physically contact the sensor. Hence, *Holliman* does not teach or suggest “an image data obtaining means for obtaining image data, without physical contact, describing a body part wherein the image data obtaining means includes a guide showing an outline of the body part before obtaining the object image.” The deficiency of *Lane* is not cured by *Itsumi*. Therefore, neither *Lane* nor *Itsumi*, solely or in combination, teach or suggest “an image data obtaining means for obtaining image data, without physical contact, describing a body part wherein the image data obtaining means includes a guide showing an outline of the body part before obtaining the object image.” For at least the reasons discussed above, Applicant submits that claim 18 is patentably distinct over the combination of *Lane* and *Itsumi* and the rejection under 35 U.S.C. §103(a) should be withdrawn.

Conclusion

In view of the amendments and remarks made above, it is respectfully submitted that the pending claims are in condition for allowance, and such action is respectfully solicited. Authorization is hereby given to charge our Deposit Account No. 19-2814 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such an extension.

Very truly yours,

SNELL & WILMER L.L.P.



Ketan S. Vakil
Registration. No. 43,215
1920 Main Street, Suite 1200
Irvine, California 92614-7230
Telephone: (949) 253-4905

I hereby certify that this document is being deposited on March 1, 2005 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313

By: Rachel Carter


Signature

Dated: March 1, 2005